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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

C100

October 15, 2010

Enbridge Energy Partners, LP
c/o Mr. Rich Adams
Vice President, Operations
Superior City Centre
Second Floor
1409 Hammond Avenue
Superior, Wisconsin 54880

Re: U.S. EPA Notice of Conditional Approval with Modifications of Enbridge Energy, Limited Partnership's October 4, 2010 (revised on October 7, 2010) submittal in response to the Removal Administrative Order issued by U.S. EPA on July 27, 2010, pursuant to §311(c) of the Clean Water Act (Docket No. CWA 1321-5-10-001), the Supplement to the Removal Administrative Order issued by the U.S. EPA on September 23, 2010, and U.S. EPA Letter's Dated October 2, 2010

Dear Mr. Adams:

The United States Environmental Protection Agency (U.S. EPA) has completed its review of the following document submitted by Enbridge Energy, Limited Partnership, Enbridge Pipelines (Lakehead) L.L.C., Enbridge Pipelines (Wisconsin), and Enbridge Energy Partners, L.P. (herein collectively referred to as "Enbridge") on October 4, 2010 (as revised on October 7, 2010), pursuant to Paragraph 18.m of the above-referenced Supplemental Order:

Enbridge Line 6B MP 608 Pipeline Release, Marshall, Michigan, Supplement to Source Area Response Plan and Supplement to Response Plan for Downstream Impacted Areas, Referred to as Operations and Maintenance Work Plan, Enbridge Energy, Revised October 7, 2010

Pursuant to Paragraph 19 of the above-referenced Order, the above referenced document ("O&M Supplement") is approved with the modifications set forth herein.

Specific Modifications Required to the O&M Supplement:

1. Please provide a detailed plan and schedule for removal of all existing boom used during the response actions through October 31, 2010. Additionally, provide a detailed plan and schedule for the placement of boom materials at specified long-term booming locations. The commencement of the long-term boom placement shall be performed simultaneously

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with the completion of removal actions (e.g., recovery of submerged oil) and proceed from upstream to downstream.

2. Please provide details regarding the location and quantity of long-term operational support areas, including, but not be limited to, the long-term Incident Command Post (ICP) location, decontamination stations, material staging areas and all other operational/support areas contemplated to support long-term operations and maintenance. The details for these areas shall also include layouts and site plans for each of the support areas.
3. Submerged oil removal activities have been completed at most of the known priority sites identified by the Submerged Oil Task Force. However, the O&M Supplement shall include the following provisions to address known and new submerged oil sites:
 - a. Provide a detailed operations, maintenance and oil recovery schedule for the removal of submerged oil at MP 26.25. This site is the only priority site that, because of the decreased water elevation in the Kalamazoo River and the ecological value, the removal of submerged oil is not feasible without causing significant degradation to the habitat functions it provides.
 - b. Provide a detailed operations and maintenance program and schedule for all submerged oil sites identified to date whose priority has been identified as moderate or low (e.g., MP-33.25, MP-36.25).
 - c. Define a procedure that will explicitly incorporate submerged oil sites for both Talmadge Creek and the Kalamazoo River on to the O&M inspection tracking system/spreadsheets after the U.S. EPA approves transfer of the submerged oil site to the Contaminant and Recovery O&M Task Force.
 - d. Provide details for the sediment and oil containment units (e.g., flume, underflow dams) planned for Talmadge Creek. Implementation and construction of these containment units shall not be performed until approved by the U.S. EPA.
4. Section 2.0:
 - a. The Michigan Department of Natural Resources (DNRE) may attend O&M inspection activities. However, DNRE's presence will not be required for the O&M inspections performed by Enbridge and the U.S. EPA. Therefore, please remove references to DNRE being part of the O&M inspection team.
 - b. Please add the following at the end of the last paragraph:

“The O&M group inspectors developed the maintenance codes and applied them to each O&M area. Enbridge used the maintenance codes and site specific data to develop the tentative monitoring protocol. The monitoring protocol is designated as tentative because it is likely that the O&M areas will change over time as operations and seasonal events change these areas. Therefore this table will be a working document that is updated regularly to

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accurately reflect the conditions at each O&M area. Inspections of each O&M area will take place at intervals as designated by the tentative monitoring protocol. Three inspectors are proposed to complete the inspections, along with EPA oversight, on designated portions of the river. The O&M Inspection Form will be used by the inspectors to track the progress of inspections and record the information gathered during each inspection within their designated areas. The information from the three inspectors will be compiled into one tracking spread sheet and distributed to the U.S. EPA and the DNRE. If the inspectors deem that the O & M procedures need to be enacted at a particular location, a contractor crew will be dispatched to carry out the prescribed procedures.”

5. Section 3.0:

- a. Please replace the first sentence of the first paragraph with the following: “O&M will be performed for the recovery and/or containment of known (including, but not limited to, previously identified low and medium priority submerged oil locations) and newly identified submerged oil and oil-contaminated sediments in accordance with the *Work Plan for Ceresco Dam Dredging and Permanent Recovery of Submerged Oil and Oil-Contaminated Sediments at Priority Locations.*”
- b. In the third sentence of the second paragraph, please replace “twelve locations” with “previously identified priority locations.”

6. Section 4.1:

- a. Please replace the last sentence with the following: “The following containment and recovery strategies may be applied to surface waters within Talmadge Creek and the Kalamazoo River (MP 2.1 to MP 39.75).”
- b. As previously requested, please provide methods for structural reinforcement (e.g., sheet piling) of containment devices to resist not only ice flow, but also high velocity river flow during an ice melt.

7. Sections 4.3 and 4.6: The "Technical Services Group" is now known as the "Contaminant and Recovery O&M Task Force." Please revise all references in the O&M Supplement, accordingly.
8. Section 4.9:
- a. In the second sentence of the first paragraph: please replace "egradings" with "erosion."
 - b. Please replace the last sentence of the third paragraph with: "Erosion of soils from these restoration areas into adjacent communities is not anticipated but will be controlled by the blankets, if required, and/or with other methods approved by the DNRE or other regulatory body with jurisdiction."
9. Section 4.11:
- a. Please replace the first sentence with: "The goals and objectives of this O&M plan as well as response activities will be documented."
 - b. Please replace the last two sentences of the second paragraph with the following: "This form will have an Enbridge recommendation and U.S. EPA concurrence signature documenting that the response metric has been attained. The two O&M tracking forms are included as Attachment D. An example O&M site closeout document is included as Attachment E."

Also, please provide the O&M site closeout document as Attachment E.

10. Section 5.1: Please provide further clarification and an expected time frame of when use of the soil cells referenced in the first paragraph will be discontinued and/or the cells decommissioned.

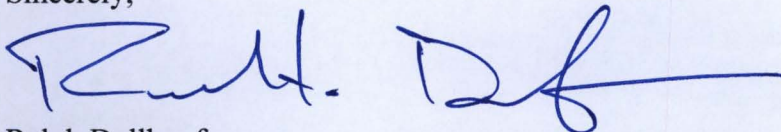
The U.S. EPA directive and/or conditional approval provided herein does not represent assurance that activities undertaken are in compliance with laws and regulations outside the purview of the U.S. EPA during these response actions, including but not limited to the laws and regulations of the State of Michigan. Enbridge is not relieved of its obligation to comply with other laws and regulations if omitted in these comments. Undertaking activities directed by the U.S. EPA does not obviate the need for Enbridge to acquire all necessary permits and comply with other applicable regulatory requirements.

Enbridge shall implement the O&M Supplement, as modified, in accordance with the schedule set forth in Paragraphs 18 and 19 of the above-referenced Order (as supplemented on September 23, 2010) and as modified above.

Five bound copies of the revised O&M Supplement, as modified, shall be submitted to U.S. EPA no later than 12:00 hours Eastern, October 17, 2010. Additionally, Enbridge is directed to submit the O&M Supplement in Microsoft Word format to allow for corrections or modifications to the electronic documents.

If you have any questions regarding this conditional approval, please contact me immediately at (231) 301-0559.

Sincerely,

A handwritten signature in blue ink, appearing to read 'R. Dollhopf', with a long horizontal flourish extending to the right.

Ralph Dollhopf
Federal On-Scene Coordinator and Incident Commander
U.S. EPA, Region 5

cc: L. Kirby-Miles, U.S. EPA, ORC
J. Cahn, U.S. EPA, ORC
J. Kimble, U.S. EPA, Dep. IC, FOSC
M. Durno, U.S. EPA, Dep. IC, Section Chief
Records Center, U.S. EPA, Reg. V